GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

YAT&C (H&Coor) Department - Archaeology and Museums – Protection of the Ancient Buddhist Complex, Totlakonda of Kapuluppada (V), Bheemunipatnam Mandal, Visakhapatnam District– Correction of omission/error – Notification under sections 4 and 36 of the Andhra Pradesh Ancient and Historical Monument and Archaeological Sites and Remains Act, 1960 (A.P. Act VII of 1960) – orders - Issued.

YOUTH ADVANCEMENT, TOURISM AND CULTURE (H&COOR) DEPARTMENT

G.O.Rt.No.21 **Dated:12-02-2021**

Read the Following :

Ref: 1. Lr.No.2/76 dated 21-9-1976, Registering Officer, Archaeology and Museums Department, Visakhapatnam.
2. Go.Rt.No.2069, Education(L) department. Dt.17-12-1976.
3. G.O.Rt.No.627,Education (L) Department dated 2nd May 1978.
4. Gazette No.27, dated 13-07-1978.
5. The Collector, Visakhapatnam District Letter.No.REV-ESECOLND (ATGL) 101/ 2017TYP(E) - VSKPCO, dt.16-04-2017 addressed to the Special Chief Secretary, Revenue Department through CCLA.
6. CCLA's Ref. No. Assn-III(3)/311/2017 dt.21-04-2017 letter addressed to the Special Chief Secretary, Revenue Department.
7. Government Memo.No. 21021/63/Heritage (A&M)/2017dt.31-08-2017 & 04-01-2018.
8. Letter from the Assistant Director (Tech), Lr no 38/2017(T), Dt.20-02-2018.
9. Commissioner of Archaeology & Museums Department Lr.No. H/ 407/ 2017 dt.01-03-2018.
10. From the Dy. Registrar, Hon'ble High Court of Andhra Pradesh Common order dated: 05.09.2019 in WP.No.(PIL) No.173 of 2016, 64 of 2019 and Contempt case 3011 of 2018
11. Government Memo No. ARCM0ESTT (MISC) /35/2019-HOL, dt.06-10-2020 and 24-11-2020
12. Commissioner of Archaeology & Museums Department Lr.No.YTC07 – 17021/7/2018, Dt.16-10-2020 and 24-11-2020.

***

O R D E R:

In the reference 3nd read above, Government have issued a notification under sub-section (3) of section 4 of the Andhra Pradesh Ancient and Historical Monument and Archaeological Sites and Remains Act, 1960 (A.P. Act VII of 1960) declaring the Archaeological site of the Buddhist Complex Totlakonda situated in Survey.No.314 at Mangamaripet, hamlet of Kapuluppada Village, in Bheemunipatnam Mandal, Visakhapatnam District as a protected monument and the same was published in Andhra Pradesh Gazette No.27, dated 13-07-1978, with the following boundaries:-

East : Sy.No. 295 and 296
West : Hill
North : Hill
South : Hill

2) In the reference 1st read above, the Registering Officer, Archaeology and Museums Department, Visakhapatnam has addressed a letter to the Director, Archaeology and Museums Department, as far back as dated 21-09-1976, wherein he has clearly mentioned the site extent as Ac.120.00 cents along with sketch map showing the site in shaded area. The then Government issued notification under sub-section (1) of section 4 vide GO.Rt.No.2069, Education (L)

department. Dated 17-12-1976. As per records the Tehsildar, Bheemunipatnam has communicated that the Survey.No.314 has been sub-divided into Ac.120.88 cents with a new Sy. no.416 (proposed for Archaeology and Museums Department inclusive of land for connectivity to the site), as per existing records vide reference 8th cited, above and rest of the Government land has been denoted as Sy.No.314. The Tehsildar, Bheemunipatnam has submitted a proforma and a Field Measurement Sketch along with necessary demarcations. The same was also communicated to the Assistant Director, Archaeology and Museums Department, Visakhapatnam, who in turn has informed this to the Commissioner, Archaeology and Museums Department, Vijayawada.

3) The Collector, Visakhapatnam in the reference 5th read above, wrote to the Special Chief Secretary & Principal Secretary to Government, Revenue Department, Andhra Pradesh, Vijayawada, stating that "as seen from the Notification No.27, dated 13-07-1978, it is noticed that the area covered by the said Buddhist Complex in Sy.No.314 and the sub-division details which is proposed to be declared as a protected monument are not specified properly":

The District Collector, Vishakhapatnam has further reported that, as per the report and sketch received from the Registering Officer, Archaeology and Museums, Visakhapatnam Letter.No.2/76 dated 16-11-1976, it is noticed that the approximate area covered by the monuments and old ruins which have got Archaeological importance is shown as Acs.120.00cts only. Further, the boundaries for the said areas are also shown as hill i.e., part of Sy.No.314 on the North and the West and the South and on the East Sy.Nos.295 and 296 of the Village. Further the Revenue Divisional Officer, Visakhapatnam and Tahsildar, Bheemunipatnam reported that, as per the FMB sketch of Kapuluppada Village, the total extent of the land in Sy.No.314 is Acs.3143.40 cts. The survey work in respect of the proposed land admeasuring Acs.120.18cts., was completed in the presence of Registering Officer, Archaeology and Museums, Visakhapatnam and sub-division records were prepared and denoted as Sy.No.416/2 (Carved out from Sy.No.314 of Kapuluppada Village). The sub-division records were also scrutinized by the Deputy Inspector of Survey, Visakhapatnam.

Therefore, the District Collector, Vishakhapatnam has requested the Commissioner Archaeology and Museums, Vijayawada to take necessary steps to revise the notification issued earlier duly citing the extent as Ac.120.18 cents and sub-division No.416/2 (Carved out from Sy.No.314) as the area which is proposed to be declared as a protected monument.

4) Thereafter, in reference 6th read above, the then CCLA has informed to the Government that, as per report of the District Collector, Visakhapatnam that the FMB sketch of Kapuluppada Village, the total extent of the land in Sy.No.314 is Acs.3143.40cts., and the survey work in respect of the proposed land admeasuring acs.120.18cts., was completed in the presence of Registering Officer, Archaeology and Museums, Visakhapatnam. The sub-division records were prepared and denoted as Sy.No.416/2 (Carved out from Sy.No.314 of Kapuluppada Village) and the sub-division records were also scrutinized by the Deputy Inspector of Survey, Visakhapatnam and therefore requested to revise the Notification issued by the Government vide G.O.Rt.No.627 Education (L) Department dated 02-05-1978.

5) In the GO.Ms.No.282 Revenue (Assignment-II) Department dated 5-07-2016 orders were issued allotting Fifteen (15) acres of land in Sy.Nos.395 and 413 of Kapuluppada (V), Bheemunipatnam (M), Visakhapatnam District to Film Nagar Cultural Centre, Visakhapatnam on lease basis for a period of Thirty Three (33) years. A WP(PIL)No.173 of 2016, dated.05.09.2019 was filed in the Hon'ble High Court challenging the orders of the Government in alienating the land of Fifteen (15) acres in and around the Archaeological site of Buddhist Complex of Totlakonda , Bheemunipatnam (M), to Film Nagar Cultural Centre, Visakhapatnam.

The Hon'ble High Court by an interim order dated 29-11-2016 directed that no construction or development activity of any sort shall be permitted within the boundaries of the ancient site of Buddhist Complex of Totlakonda, Bheemunipatnam

(M), to Film Nagar Cultural Centre, Visakhapatnam,as per G.O.Rt.No.627 dated 02.05.1978.

6) The Commissioner, Archaeology and Museums granted permission to the Andhra Pradesh Tourism Development Corporation Limited to take up certain development works at Totlakonda under Swadesh Darshan Scheme. But, a WP(PIL)No.64 of 2019 was filed in the Hon'ble High Court challenging the permission granted to Andhra Pradesh Tourism Development Corporation to take up development works. Disposing the IA.No.2 of 2018 in WP(PIL)No.173 of 2016, the Hon'ble High Court by an order dated 20-03-2019 modified the interim order dated 29-11-2016 to the extent of undertaking development activities by the Andhra Pradesh Tourism Development Corporation Limited, as per the proceedings of the Government of India, Ministry of Tourism, vide file No.5-(10)/2017-SD, dated 25.09.2017.

7) The Hon'ble High Court of Andhra Pradesh by a common order dated 5-09-2019 disposed of both WP.(PIL)No.173/2016 and WP.(PIL)No.64/2019 with the following observations**/**directions:-

i) The allotment of land in favour of Andhra Pradesh Tourism Development Corporation is beyond the protected area, as per the report of Chief Urban Planner of Visakhapatnam and it is not prohibited, on the other hand, it would enhance the historical importance of the monument.

ii) The allotment of land to Film Nagar Cultural Centre, Visakhapatnam can be completed only after denotifying the land by exercising power under Section 4(3). Till then the Film Nagar Cultural Centre, Visakhapatnam shall not be handed over possession of the property, if already handed over, it shall not undertake any activity including construction. It is needless to mention that Film Nagar Cultural Centre, Visakhapatnam may proceed with activity after denotifying the area in Sy.No.314 of Totlakonda village, limiting the protected area to an extent of Ac.120.88 cts."

8) Hence the Commissioner, Department of Archaeology & Museums has submitted proposals in the reference 9th and 12th read above informing that there is an omission/error in the Notification that the extent of the land was not mentioned in the G.O.Rt.No.627, Education (L) Department, dated: 02.05.1978.

9) Under the provisions of Section 36 of the Andhra Pradesh Ancient and Historical Monument and Archaeological Sites and Remains Act, 1960 (AP Act VII of 1960) which read, *inter alia*, as "*When such error occurred due to any clerical mistake, patent error or error arising from accidental slip or omission in the description of any ancient monument or archaeological site and remains declared to be a protected monument or a protected area, it may at any time be corrected by the Government by notification in the Andhra Pradesh Gazette.*

10) Therefore, the Commissioner, Archaeology and Museums Department has proposed a notification under section 36 of the Andhra Pradesh Ancient and Historical Monument and Archaeological Sites and Remains Act, 1960 (AP Act VII of 1960) duly correcting the accidental slip and revising the Notification issued under sub-section (1) of section 4 duly incorporating the total extent of Ac.120.88 cents i.e. Ac.120.18 cents in Sy.No.416/2(Totlakonda protected area) and Ac.0.70 cents in Sy.No.416/1(covering the way for Totlakonda) both carved out from Sy.No.314.

11) The Government in consonance with the Hon'ble High Court directions, as in para (7) above and duly following the procedure laid down, as per the Andhra Pradesh Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1960 (AP Act No. VII of 1960) and the provisions contained therein in sections 4 and 36 do hereby take measures to rectify the mistake in public interest.

12) In the above circumstances, it is necessary to correct the omission/error in the Notification issued in the reference 2nd read above, duly incorporating the extent and sub- divisional boundaries of the protected monument of Buddhist Complex of Totlakonda in order to ensure that monuments are protected under the provisions of the Andhra Pradesh Ancient and Historical Monument and Archaeological Sites and

Remains Act, 1960 (AP Act VII of 1960). Accordingly the following Notification shall be published in Andhra Pradesh Gazette.

NOTIFICATION

1. Whereas, the Government under sub-section (1) of section 4 of Andhra Pradesh Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1960 (Act VII of 1960) declared the ancient site called Buddhist Complex, Totlakonda located in Sy.No. 314 at Mangamaripet (V) in Bheemunipatnam Taluk of Visakhapatnam District as Protected Monument vide G.O.Rt.No.2069, Education(L) Department dated: 17-12-1976 and the same has been published in part-1 of Andhra Pradesh Gazette dated 06-01-1977.

2. And whereas, it has been brought to the notice of the Government that the extent of the area of the protected monument is not mentioned in G.O.Rt.No.2069 Education (L) Department, dated 17.12.1976, and basing on the proposals of the Registering Officer, Archaeology and Museums, Visakhapatnam from 1976 onwards, and after conducting resurvey of the area of the ancient site, the Buddhist Complex, Totlakonda at Kapuluppada (V), Bheemunipatnam (M), Visakhapatnam District; situated in an extent of Ac.120.18 cents in Sy.No.416/2 and the way for the ancient site covers an area of Ac.0.70 cents in Sy.No.416/1, (both carved out from Sy.No.314) the total area to be protected aggregates to Ac.120.88 cents; And thus it is necessitated to rectify the error arising from accidental slip or omission in the protected area i.e. the extent, boundaries and survey numbers in which the said protected monument is situated.

3. Therefore, in exercise of the powers conferred under section 36 of the Andhra Pradesh Ancient and Historical Monument and Archaeological Sites and Remains Act, 1960 (Act VII of 1960) and in partial modification of the Notification issued in G.O.Rt.No.2069 Edn.,(L) Department dated: 17-12-1976, published in Andhra Pradesh Gazette dated 06-01-1977, in which the Buddhist Complex, Totlakonda at Mangamaripet (V), hamlet of Kapuluppada (V), in Bheemunipatnam Mandal, Visakhapatnam District was declared as protected monument under sub-section (1) of section 4 of the said Act, hereby specifies the corrected extent, boundaries and sub-divisional numbers in which the said protected monument is situated as described in the Annexure, annexed hereunder in public interest.

4. The Government in consonance with the Hon'ble High Court directions as in para (7) above, and duly following the procedure laid down under the Andhra Pradesh Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1960 (Act VII of 1960) and the provisions contained therein in sections 4 and 36 do hereby take measures to rectify the mistake in public interest.

5. Now therefore, notice is hereby given as required under sub–section (1) of Section 4 of the said Act, that the aforesaid proposal will be taken into consideration by the Government after the expiry of a period of two (2) months from the date of publication of this notification in the Andhra Pradesh Gazette.

6. Any objections or suggestions which may be received within the aforesaid period will be duly considered by the Government of Andhra Pradesh.

7. Objections or Suggestions should be addressed to the Special Chief Secretary to Government, Youth Advancement, Tourism and Culture (Tourism) Department, Andhra Pradesh Secretariat, Velagapudi, Amaravati, Guntur District.

Annexure

SCHEDULE

The Ancient Buddhist Complex, Totlakonda of Kapuluppada (V), Bheemunipatnam Mandal, Visakapatnam District (protected monument under sub-section (1) of section 4 of the Andhra Pradesh Ancient and Historical Monument and Archaeological Sites and Remains Act, 1960) situated in a total extent of Ac.120.88 cents i.e., Ac.120.18 cents in Sy.No.416/2 and Ac.0.70 cents (way for Buddhist Complex,) in Sy.No.416/1, (both the sub divisions carved out from Sy.No.314) is bounded by the following:-

EAST : Sy. No.314
WEST : Sy. No.314
NORTH : Sy. No.314
SOUTH : Sy. No.314

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner, Printing, Stationary & Stores
Purchase Department, Vijayawada
(with a request to publish the notification in the A.P.Extraordinary Gazette and supply 100 copies of the Gazette to Government)
The Commissioner, Archaeology & Museums, Vijayawada, A.P.
The District Collector, Visakhapatnam.
The Chief Commissioner of Land Administration, A.P., Vijayawada.

Copy to:-
The Law (J) Department.
The Revenue (Assn.I) Department.
P.S. to Additional Secretary to C.M.
P.S. to Minister (TC&YA).
P.S. to Chief Secretary / P.S. to Special Chief Secy. (T), YAT&C Dept.
SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER